S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 18, 2012

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to requiring ballot rotation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 6 of section 7-116 of the election law, the second undesignated paragraph as amended by chapter 121 of the laws of 1997, is amended to read as follows:

6. In the city of New York, the ballot [on the voting machine] for primary elections shall conform to the following additional provisions:

The names of the candidates designated for [such] public office [or party position] in the primary of a party shall be placed under the title of the office or position in the alphabetical order of their surnames, in the first or lowest numbered assembly district and election district of any political unit or subdivision within a county. If candidates' surnames are identical, their given or first name shall determine their order. Thereafter the names shall be rotated by election districts by transposing the first named candidate to the bottom of the order at each succeeding election district, so that each name shall appear first and in each other position in an equal number, as nearly as possible, of the election districts [and except, further, that where two or more candidates are to be elected to the same party position, the names of candidates for such a position which appear on the same designating petition shall be grouped together on the ballot in the order in which their names appear on the designating petition and the group rotated alphabetically in relation to other groups or individual candidates according to the surname of the first person on the designating petition of such group. Groups of candidates for delegate and alternate delegate, and groups of candidates for male and female delegate and male and female alternate delegate to the same convention designated on the same petition shall be rotated together alphabetically in relation to other groups or individual candidates according to the surname of the first person listed on such designating petition in the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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group of candidates for whichever of such delegate or alternate delegate positions will appear first on the voting machine. If the rules of a party committee provide for equal representation of the sexes among the members of a state committee elected from each unit of representation, elections for male and female members of such a committee from a single unit of representation shall be conducted as elections for two different party positions]. Notwithstanding the provisions of this paragraph, if the board of elections has assigned numbers to the candidates for an office [or position] because of identical or similar names among such candidates, the names of such candidates shall be placed under the title of such office [or position] in the order of such numbers in such first or lowest numbered district, and the names shall not be rotated by election district. Such names shall appear in the identical order on each ballot in each election district.

[County committee candidates or groups of candidates shall be printed within the first election district of each assembly district or part thereof, according to the priority of filing of designating petitions and they shall then be rotated by election district by placing the candidate or group of candidates designated in the same petition as the candidate or group of candidates which was printed first in an election district at the bottom of the order in the next succeeding election district in which a candidate or group of candidates designated in such petition appears on the ballot.

In cases where a name is added to or removed from the ballot by court order too late to make a complete adjustment to these requirements feasible, the name may be added at the bottom of the list of candidates in all election districts, or removed from the ballot in all election districts without changing the previously arranged order of other names and without invalidating the election.] Any inadvertent error in the order of names discovered too late to correct the order of the names on the ballots concerned shall not invalidate an election.

Except where a contest or candidate is removed from the ballot by court order too late to make complete compliance with this paragraph feasible, the title of each public office [or party position] and the names of the candidates for such office [or position] appearing on any [voting machine] BALLOT used for primary elections in the city of New York shall appear on such [machine] BALLOT immediately adjacent to one another, either horizontally or vertically; and no blank spaces shall separate the names of candidates actually running for an office [or party position] on such [voting machine] BALLOT, and no blank spaces shall separate any two such offices [or positions] which appear on such [voting machine] BALLOT in the same column or row.

S 2. This act shall take effect immediately.